

REMARKS

In the Office Action, the Examiner required restriction, under 35 U.S.C. §121 and §372, to one of the following inventions:

- I. Group I, claims 1,2 and 13-16 drawn to the product of formula I
- II. Group II, claims 3-5 and 11-12 drawn to a method of using a product of formula 1.
- III. Group III, claims 6-10 drawn to a method of making a product of formula I


Applicants hereby elect Group I, claims 1, 2 and 13-16 with traverse. Specifically, Applicant elects as a species of Group I, compound No. 22, (Table 1 on page 163) and lists claims 1,2 and 13-16 as reading on the elected species.

It is the position of the Applicant that the restriction requirement is not proper because under PCT Rule 13.1 there is unity of invention because there is a technical relation between the separately grouped claims in that the same generic group of compounds are used for the same use and the process makes the compounds. The fact that 1,3-diones are known does not make the generic claim unpatentable.

Therefore, there is no proper basis on which to require restriction in the present application,

An early and favorable action is earnestly solicited.

Respectfully submitted,


James V. Costigan
Reg. No. 25,669

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
212-302-8989